

**MINUTES OF MEETING
STONEWATER
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Stonewater Community Development District held a Public Hearing and a Regular Meeting on February 25, 2021 at 4:00 p.m., at the offices of D R Horton, 10541 Ben C Pratt Six Mile Cypress Pkwy., Fort Myers, FL 33966.

Present were:

Landon Thomas	Chair
Wayne Everett	Vice Chair
Chris Quarles	Assistant Secretary
Mark Brumfield	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Michal Szymonowicz (via telephone)	Wrathell, Hunt and Associates, LLC
Jere Earlywine	District Counsel
Carl Barraco	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 4:00 p.m. Supervisors Thomas, Everett, Quarles and Brumfield were present. Supervisor Barlow was not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

GENERAL DISTRICT ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisor, Gary Barlow (*the following will be provided in a separate package*)

A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

- B. Membership, Obligations and Responsibilities**
- C. Chapter 190, Florida Statutes**
- D. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- E. Form 8B: Memorandum of Voting Conflict**

This item was deferred to the next meeting.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

The affidavits of publication were provided for informational purposes.

B. Consideration of Resolution 2021-27, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented the Rules of Procedure, which Mr. Earlywine presented, in detail, at the last meeting.

Mr. Adams opened the Public Hearing.

No members of the public spoke.

Mr. Adams closed the Public Hearing.

Mr. Adams presented Resolution 2021-27.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, Resolution 2021-27, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Responses to Request for Proposals (RFP) for Annual Audit Services

A. Affidavit of Publication

The affidavit of publication was provided for informational purposes.

B. RFP Package

The Request for Proposals (RFP) was provided for informational purposes.

C. Respondents

I. Berger, Toombs, Elam, Gaines & Frank

II. Carr, Riggs & Ingram, LLC

III. Grau & Associates

IV. McDirmit Davis, LLC

D. Auditor Evaluation Matrix/Ranking

Mr. Adams reviewed each Supervisor’s evaluation form and stated that all Supervisors awarded their highest ranking to Grau & Associates.

E. Award of Contract

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, the ranking by the Board, sitting as the Audit Selection Committee, of Grau & Associates as the #1 ranked firm and authorizing District Staff to negotiate an agreement with Grau & Associates, as the #1 ranked firm, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services

A. Affidavit of Publication

The affidavit of publication was provided for informational purposes.

B. RFQ Package

The Request for Qualifications (RFQ) was included for informational purposes.

C. Respondent

- **Barraco and Associates, Inc.**

D. Competitive Selection Criteria/Ranking

E. Award of Contract

It was noted that the statutory requirement for advertising the RFQ was met. Mr. Adams stated that, as Barraco and Associates, Inc. (Barraco), was the only respondent, the Board could award the contract to Barraco and authorize Staff to enter into an agreement with them.

On MOTION by Mr. Thomas and seconded by Mr. Quarles, with all in favor, awarding the Engineering Services Contract to Barraco and Associates, Inc., the sole respondent, and authorizing Staff to prepare a Continuing Services Agreement and negotiate the terms of the Agreement and authorizing the Chair or Vice Chair to execute, was approved.

Mr. Earlywine noted that pricing was not included in the RFQ response because ranking is based upon qualifications; pricing would be negotiated, based upon contract rates.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-28, Designating a Date, Time, and Location of a Public Hearing Regarding the District’s Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date

Mr. Adams presented Resolution 2021-28.

On MOTION by Mr. Everett and seconded by Mr. Quarles, with all in favor, Resolution 2021-28, Designating a Date, Time, and Location of April 1, 2021 at 1:00 p.m., at the offices of D R Horton, 10541 Ben C Pratt Six Mile Cypress Pkwy., Fort Myers, FL 33966 for a Public Hearing Regarding the District’s Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

**Presentation of Master Engineer's Report,
dated February 25, 2021**

Mr. Barraco presented the District Manager with a signed and sealed copy of the updated Master Engineer's Report, dated February 25, 2021, as required by State Law. He presented the Master Engineer's Report and discussed the following:

- The District is located on a 185-acre parcel of land within the City of Cape Coral, Florida.
- The Project is part of a larger planned development, including commercial area; however, this CDD will only include a residential portion.
- 327 residential units were proposed within the project.
- The proposed project includes a drainage and surface water management system, on-site roadways, on-site utilities, land acquisition and professional fees.
- An existing lake within the CDD would be maintained by the Lee County School District.
- The project includes approximately 82 acres of existing lakes and approximately one additional acre of lake would be excavated. An Environmental Resource Permit was previously approved and active.
- The project includes some commercial land that drains into the system but it did not affect the design of the system, due to the pre-existing lake system.
- On-site utilities would include potable water and wastewater systems and irrigation facilities. The District would fund and construct improvements to be dedicated to the City of Cape Coral for operations and maintenance (O&M).
- As part of the project, the CDD would acquire eight tracts of land for lakes, rights-of-way (ROW) and open space.
- The Report provides a summary of estimated construction costs of \$4.3 million for Phase 1, \$2.5 million for Phase 2 and \$4.6 million for land acquisition, as shown in Table 2, on Page 13 of the Report. All land was proposed to be acquired by the District in Phase 1.
- The Updated Engineer's Report reflected the updated acquisition costs, based upon the updated appraisal for land provided by the appraiser.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, the Master Engineer’s Report, dated February 25, 2021, was approved.

NINTH ORDER OF BUSINESS

Presentation of Master Special Assessment Methodology Report, dated February 25, 2021

Mr. Szymonowicz presented the Master Special Assessment Methodology Report, dated February 25, 2021, which was updated to reflect the updated Engineer’s Report. He discussed the following:

- The Report identifies the special and peculiar benefits that accrue to lands and properties as a result of the improvements contemplated to be provided by the District, as outlined in the Engineer’s Report, apportions the benefit of such improvements and allocates the assessments needed to finance the costs of the improvements.
- The Development Plan of the CDD currently consists of 327 single-family, residential units on 50’ x 140’ lots.
- Improvements to be provided total approximately \$11.4 million.
- Should the CDD fund all improvement costs with long-term bonds, it would be necessary to issue approximately \$14.855 million in bonds.
- The Report proposes to apportion the benefits equally between all single-family, residential units by dividing the bonded amount by 327 to determine the principal amount of the bonds and the debt service, as described in the Methodology.

The following correction would be made:

Page 8, Section 5.5 of the Report: Change “Twin Villa” to “Single-Family”

On MOTION by Mr. Thomas and seconded by Mr. Quarles, with all in favor, the Master Special Assessment Methodology Report, dated February 25, 2021, in substantial form, was approved.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2021-26, Declaring Special Assessments; Designating the Nature and Location of the Proposed

Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid by Assessments, and the Manner and Timing in Which the Assessments are to be Paid; Designating the Lands Upon Which the Assessments Shall be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date

Mr. Earlywine presented Resolution 2021-26. The costs would be updated, as necessary.

Subsequent to the meeting, Resolution 2021-26 was renumbered to 2021-25 to ensure proper sequencing and because a previously adopted Resolution was titled 2021-26.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, Resolution 2021-25, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid by Assessments, and the Manner and Timing in Which the Assessments are to be Paid; Designating the Lands Upon Which the Assessments Shall be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings for April 1, 2021 at 1:00 p.m., at the offices of D R Horton, 10541 Ben C Pratt Six Mile Cypress Pkwy., Fort Myers, FL 33966; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date, in substantial form, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-29, Amending Resolution 2021-18 to Re-Set the Date and Time of the Public Hearing on the Proposed Budget for Fiscal Year 2020/2021; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2021-29.

On MOTION by Mr. Thomas and seconded by Mr. Quarles, with all in favor, Resolution 2021-29, Amending Resolution 2021-18 to Re-Set the Date and Time of the Public Hearing on the Proposed Budget for Fiscal Year 2020/2021 for April 1, 2021 at 1:00 p.m., at the offices of D R Horton, 10541 Ben C Pratt Six Mile Cypress Pkwy., Fort Myers, FL 33966; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Acquisition Agreement

Mr. Earlywine presented the Acquisition Agreement between the District and the Developer, related to acquisition of work product and conveyance of real property. An updated appraisal would necessitate an updated appraisal date.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, the Acquisition Agreement, in substantial form, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Minutes

A. January 19, 2021 Landowners’ Meeting

Mr. Adams presented the January 19, 2021 Landowners’ Meeting Minutes.

On MOTION by Mr. Thomas and seconded by Mr. Everett, with all in favor, the January 19, 2021 Landowners’ Meeting Minutes, as presented, were approved.

B. January 19, 2021 Organizational Meeting

Mr. Adams presented the January 19, 2021 Organizational Meeting Minutes.

On MOTION by Mr. Thomas and seconded by Mr. Quarles, with all in favor, the January 19, 2021 Organizational Meeting Minutes, as presented, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

Mr. Earlywine stated the Public Hearings would be held on April 1, 2021 and the bond validation would be scheduled for April 12, 2021, after which, the bonds may be issued and construction funds available thirty days later. Discussion ensued regarding the bond validation, which would be held via Zoom.

B. District Engineer (Interim): *Barraco & Associates, Inc.*

Mr. Barraco asked if a resolution would be included on the next agenda for plat recording. Mr. Earlywine responded affirmatively.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

NEXT MEETING DATE: March 25, 2021 at 4:00 P.M.

o QUORUM CHECK

Mr. Adams stated that the next meeting would be held on April 1, 2021 at 1:00 p.m., rather than on March 25, 2021, to coincide with the date for the various public hearings. Supervisors Everett, Quarles, Thomas and Brumfield confirmed their attendance at the April 1, 2021 meeting.

FIFTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There being no Board Members' comments or requests, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.


SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, the meeting adjourned at 4:28 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair